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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Appellant,

v.

JACOB PERRY AMBROSE,

Defendant and Appellant.

H045812

(Santa Cruz County

Super. Ct. Nos. 16CR00904,

17CR01395)

Defendant Jacob Perry Ambrose and his girlfriend deposited “via ATM” into her bank account a \$250 check made out to a stranger and then withdrew the money. The check had been written by the public defender’s office and then stolen.

Defendant was charged by complaint with identity theft (Pen. Code, § 530.5, subd. (a)).¹ He was represented in the identity theft action by the alternate public defender’s office. In March 2016, he entered into a plea agreement under which he pleaded guilty to the identity theft count, was placed on probation conditioned on a 365-day jail term, and obtained dismissal of a separate case and reinstatement of his probation in two other cases.

¹

Subsequent statutory references are to the Penal Code unless otherwise specified.

At 5:00 p.m. on March 8, 2017, S.G., a Cabrillo College student, parked on the street near the campus bookstore and started walking to the bookstore. Defendant, who was sitting in a parked car, called out to her and asked for a restaurant recommendation because he “wasn’t from the area.” She stopped, saw defendant making movements with his hands, identified a burger restaurant, and pointed in its direction. When she turned to walk away, defendant called to her again and said he was “in the mood for Italian food.” She recommended another restaurant and pointed in the same direction. At this point, defendant rolled down the passenger’s side window, and she noticed that defendant “was masturbating.” He was moving his hand up and down his exposed penis. She was “shocked” and “disgusted” and immediately walked away.

Defendant drove down the street, made a U-turn, drove past her again and whistled at her. She was so disturbed that she stopped before entering the bookstore and returned to her car. S.G. drove her car to a more secluded location on campus and parked again so that she could study in her car. A car pulled in next to the driver’s side of her car. She looked over, and defendant was staring at her. S.G. became “[v]ery scared . . .” She turned on her car, but defendant slowly backed up behind her car, parked on the other side of her car, and resumed staring at her. She drove away but then looped back to get defendant’s license plate number. When she drove away again, defendant followed her even when she made multiple turns.

S.G. contacted law enforcement to report the incident. Eventually, she made a U-turn, and defendant did not continue to follow her. S.G. met with a sheriff’s deputy that evening and gave him the license plate number. The deputy located the car defendant had been driving at a residence less than a mile from the Cabrillo College campus, and defendant responded to the residence’s doorbell. S.G. subsequently identified defendant from a photo lineup. In March 2017, defendant was charged with felony stalking (§ 646.9, subd. (a)) and misdemeanor indecent exposure (§ 314, subd. (1)).

On the afternoon of May 8, 2017, defendant approached T.F., a Cabrillo College student, as she was getting out of her car in a parking lot on the Cabrillo College campus. Defendant, who was a stranger to T.F., said: “‘Hey, beautiful. . . . Not to be weird, but I have a fetish for when beautiful girls like you watch me as I play with myself. Would you be motivated to participate in something like that?’” She replied: “‘That’s nice, but no. That’s weird.’” T.F. then “kind of ran away.” The next day, T.F. reported the incident to the sheriff’s office. A few days later, a sheriff’s deputy showed her a photo lineup, and she identified defendant’s photo as depicting the man who had approached her.

The March 2017 charges were tried to a jury. Evidence of the May 2017 incident was admitted at trial under Evidence Code section 1101, subdivision (b). Defendant was represented at trial by the public defender’s office. He waived any conflict arising from the identity theft case. The stalking count was dismissed on defendant’s motion after the close of the prosecution’s case due to the absence of evidence of a “credible threat.” The defense presented no evidence. The jury returned a guilty verdict on the indecent exposure count after one hour of deliberations.

The court found that defendant’s commission of the indecent exposure offense had violated his probation in the identity theft case, and it terminated his probation and imposed a two-year midterm prison sentence for the identity theft count. In the indecent exposure case, the court imposed a six-month jail term concurrent to the identity theft prison term. Defendant was ordered to register as a sex offender. He timely filed notices of appeal in both cases.

Appointed appellate counsel filed an opening brief that stated the case and the facts but raised no issues. Defendant was notified of his right to submit written argument on his own behalf, but he has not availed himself of the opportunity. Pursuant to *People v. Wende* (1979) 25 Cal.3d 436, we have reviewed the entire record and have concluded that there are no arguable issues on appeal.

The judgment is affirmed.

Mihara, J.

WE CONCUR:

Elia, Acting P. J.

Bamattre-Manoukian, J.

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